

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HACHETTE BOOK GROUP, INC.,
HARPERCOLLINS PUBLISHERS LLC,
JOHN WILEY & SONS, INC., and
PENGUIN RANDOM HOUSE LLC

Plaintiffs,

v.

INTERNET ARCHIVE and DOES 1 through
5, inclusive

Defendants.

Case No. 1:20-CV-04160-JGK

ORAL ARGUMENT REQUESTED

**DEFENDANT INTERNET ARCHIVE'S NOTICE OF
MOTION FOR SUMMARY JUDGMENT**

DURIE TANGRI LLP
Joseph C. Gratz (*Pro Hac Vice*)
Jessica E. Lanier (*Pro Hac Vice*)
Aditya V. Kamdar (*Pro Hac Vice*)
Annie A. Lee (*Pro Hac Vice*)
217 Leidesdorff Street
San Francisco, CA 94111
(415) 362-6666
jgratz@durietangri.com
jlanier@durietangri.com
akamdar@durietangri.com
alee@durietangri.com

ELECTRONIC FRONTIER FOUNDATION
Corynne McSherry (*Pro Hac Vice*)
Kit Walsh (*Pro Hac Vice*)
Cara Gagliano (*Pro Hac Vice*)
815 Eddy Street
San Francisco, CA 94109
(415) 436-9333
corynne@eff.org
kit@eff.org
cara@eff.org

Attorneys for Defendant
INTERNET ARCHIVE

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant Internet Archive's Motion for Summary Judgment; Defendant Internet Archive's Statement of Undisputed Material Facts Pursuant to L.R. 56.1; Declaration of Joseph Gratz in Support of Defendant's Motion for Summary Judgment, with exhibits; Declaration of Brewster Kahle in Support of Defendant's Motion for Summary Judgment, with exhibits; Declaration of Dr. Imke Reimers in Support of Defendant's Motion for Summary Judgment, with exhibits; Declaration of Dr. Rasmus Jørgensen in Support of Defendant's Motion for Summary Judgment, with exhibits; Declaration of Susan Hildreth in Support of Defendant's Motion for Summary Judgment, with exhibits; Declaration of Laura Gibbs; Declaration of Benjamin Saracco; Declaration of Lauren Sherman; Declaration of Daniel Smith; and all prior pleadings, orders, and proceedings herein, Defendant Internet Archive, by its attorneys, hereby moves this Court for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting its motion for summary judgment with respect to all claims in this matter.

PLEASE TAKE FURTHER NOTICE that, pursuant to the scheduling ordered entered by this Court on January 21, 2022 (ECF No. 70), opposing papers, if any, must be served upon the undersigned on or before September 2, 2022; and reply papers, if any, must be served on or before October 7, 2021. Any oral argument will occur on a date and at a time designated by the Court.

Dated: July 7, 2022

DURIE TANGRI LLP

By: _____ /s/ Joseph C. Gratz
Joseph C. Gratz (*Pro Hac Vice*)
Jessica E. Lanier (*Pro Hac Vice*)
Aditya V. Kamdar (*Pro Hac Vice*)
Annie A. Lee (*Pro Hac Vice*)

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cara@eff.org

Attorneys for Defendant
INTERNET ARCHIVE

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2022 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Joseph C. Gratz
JOSEPH C. GRATZ